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Paper No. 8

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AUG 15 2003
OFFICE OF PETITIONS

In re Application of :
Michael Sprague, Eric Beckman and :
Michael Perhaes :
Application No. 10/036,329 : DECISION REFUSING STATUS
Filed: October 19, 2001 : UNDER 37 C.F.R. § 1.47(a)
Title: BROADCAST BROWSER INCLUDING :
MULTI-MEDIA TOOL OVERLAY AND METHOD :
OF PROVIDING A CONVERGED :
MULTI-MEDIA DISPLAY INCLUDING :
USER-ENHANCED DATA :

This is in response to the declaration filed July 18, 2003, the filing of which is being treated as a response to the decision refusing status under § 1.47(a) mailed March 11, 2003. This decision has also been considered in light of the "Request for Reconsideration of Petition under 37 CFR 1.47," filed August 8, 2003.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on October 19, 2001, with an unexecuted declaration. In response to a "Notice to File Missing Parts of Nonprovisional Application" mailed January 30, 2002, applicants filed the initial petition under § 1.47(a). However, the petition filed September 9, 2002 (certificate of mailing August 30, 2002), was dismissed for failure to submit adequate proof that non-signing inventor Perhaes refused to join in the application and for failure to submit an acceptable declaration (Decision mailed March 11, 2003).

On July 18, 2003, applicants filed a declaration executed by inventor Perhaes, along with a three-month extension of time to make this reply timely. A proper declaration executed by the previously non-signing inventor may be a proper reply to a decision refusing status under § 1.47(a).

However, in this instance, the declaration submitted is not acceptable. Specifically, this declaration, numbered pages 1 of 2, identifies only inventor Perhaes. The signatures of joint inventors may be provided to the Office on separate declarations. However, each declaration must identify the entire inventive entity, as required by 35 U.S.C. 116 and 37 CFR § 1.63(a)(2) and consistent with the required averment therein that "I am ... an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed." Therefore, unless applicants now contend that inventor Perhaes is the sole inventor, the declaration submitted July 18, 2003, is not acceptable.

In addition, the declaration submitted September 9, 2002, was unacceptable in form. Thus, the Office does not have an acceptable declaration executed by inventors Sprague and Beckman. **On renewed petition, applicants are required to file an acceptable declaration by all of the joint inventors.**

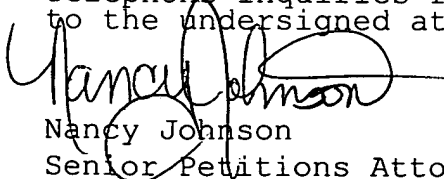
Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
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